

House File 224 - Introduced

HOUSE FILE 224

BY WOLFE

A BILL FOR

- 1 An Act relating to the crime of prostitution and making
- 2 penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 99.1A, Code 2021, is amended to read as
2 follows:

3 **99.1A ~~Houses of prostitution~~ Brothels or other nuisances.**

4 1. Whoever shall erect, establish, continue, maintain,
5 use, own, or lease any building, erection, or place used
6 for the purpose of ~~prostitution~~ the purchase or offer to
7 purchase another person's services as a partner in a sex act
8 or gambling, except as authorized under the laws of this state
9 is guilty of a nuisance, and the building, erection, or place,
10 or the ground itself, in or upon which such ~~prostitution~~
11 purchase or offer to purchase another person's services as a
12 partner in a sex act or gambling is conducted, permitted, or
13 carried on, continued, or exists, and the furniture, fixtures,
14 musical instruments, and movable property used in conducting
15 or maintaining such nuisance, are also declared a nuisance and
16 shall be enjoined and abated as hereinafter provided.

17 2. The provisions of [this section](#) do not apply to social
18 and charitable gambling conducted pursuant to [chapter 99B](#) or to
19 devices lawful under section [99B.52](#) or [99B.53](#).

20 Sec. 2. Section 657.2, subsection 6, Code 2021, is amended
21 to read as follows:

22 6. ~~Houses of ill fame~~ Brothels, kept for the purpose of
23 ~~prostitution~~ the purchase or offer to purchase another person's
24 services as a partner in a sex act and lewdness, gambling
25 houses, places resorted to by persons participating in criminal
26 gang activity prohibited by [chapter 723A](#), or places resorted to
27 by persons using controlled substances, as defined in section
28 124.101, subsection 5, in violation of law, or houses where
29 drunkenness, quarreling, fighting, or breaches of the peace are
30 carried on or permitted to the disturbance of others.

31 Sec. 3. Section 702.4, Code 2021, is amended to read as
32 follows:

33 **702.4 Brothel.**

34 A "*brothel*" is any building, structure, or part thereof, or
35 other place offering shelter or seclusion, which is principally

1 or regularly used for the purpose of ~~prostitution~~ the purchase
2 or offer to purchase another person's services as a partner in
3 a sex act, with the consent or connivance of the owner, tenant,
4 or other person in possession of it.

5 Sec. 4. Section 709A.1, subsection 2, paragraph a, Code
6 2021, is amended to read as follows:

7 a. A brothel or other premises used for the purposes of
8 ~~prostitution~~ the purchase or offer to purchase another person's
9 services as a partner in a sex act, with the intent that the
10 child engage the services of a ~~prostitute~~ another person as
11 a partner in a sex act.

12 Sec. 5. Section 710A.1, subsection 1, Code 2021, is amended
13 to read as follows:

14 1. "*Commercial sexual activity*" means any sex act or
15 sexually explicit performance for which anything of value is
16 given, promised to, or received by any person and includes,
17 but is not limited to, ~~prostitution~~ the purchase or offer to
18 purchase another person's services as a partner in a sex act,
19 participation in the production of pornography, and performance
20 in strip clubs.

21 Sec. 6. Section 725.1, Code 2021, is amended to read as
22 follows:

23 **725.1** ~~Prostitution~~ The purchase or offer to purchase another
24 person's services as a partner in a sex act.

25 1. ~~a. Except as provided in paragraph "b", a person who~~
26 ~~sells or offers for sale the person's services as a partner in~~
27 ~~a sex act commits an aggravated misdemeanor.~~

28 ~~b. If the person who sells or offers for sale the person's~~
29 ~~services as a partner in a sex act is under the age of eighteen,~~
30 ~~the county attorney may elect, in lieu of filing a petition~~
31 ~~alleging that the person has committed a delinquent act, to~~
32 ~~refer that person to the department of human services for the~~
33 ~~possible filing of a petition alleging that the person is a~~
34 ~~child in need of assistance.~~

35 ~~c. If the person who sells or offers for sale the person's~~

~~1 services as a partner in a sex act is under the age of eighteen,~~
~~2 upon the expiration of two years following the person's~~
~~3 conviction for a violation of paragraph "a" or of a similar~~
~~4 local ordinance, the person may petition the court to expunge~~
~~5 the conviction, and if the person has had no other criminal~~
~~6 convictions, other than local traffic violations or simple~~
~~7 misdemeanor violations of chapter 321 during the two-year~~
~~8 period, the conviction shall be expunged as a matter of~~
~~9 law. The court shall enter an order that the record of the~~
~~10 conviction be expunged by the clerk of the district court.~~
~~11 Notwithstanding section 692.2, after receipt of notice from~~
~~12 the clerk of the district court that a record of conviction~~
~~13 for a violation of paragraph "a" has been expunged, the record~~
~~14 of conviction shall be removed from the criminal history data~~
~~15 files maintained by the department of public safety.~~

~~16 2. a. Except as provided in paragraph "b", a A person~~
~~17 who purchases or offers to purchase another person's services~~
~~18 as a partner in a sex act commits an aggravated misdemeanor,~~
~~19 except that if a person purchases or offers to purchase another~~
~~20 person's services as a partner in a sex act from another person~~
~~21 who is under the age of eighteen, the person commits a class~~
~~22 "D" felony.~~

~~23 b. A person who purchases or offers to purchase services as~~
~~24 a partner in a sex act from a person who is under the age of~~
~~25 eighteen commits a class "D" felony.~~

~~26 Sec. 7. Section 725.2, Code 2021, is amended to read as~~
~~27 follows:~~

~~28 **725.2 Pimping.**~~

~~29 1. A person who solicits a patron for a prostitute the~~
~~30 purchase or offer to purchase another person's services as a~~
~~31 partner in a sex act, or who knowingly takes or shares in the~~
~~32 earnings of a prostitute the purchase or offer to purchase~~
~~33 another person who offers their services as a partner in a sex~~
~~34 act, or who knowingly furnishes a room or other place to be~~
~~35 used for the purpose of prostitution the purchase or offer to~~

1 purchase another person's services as a partner in a sex act,
 2 whether for compensation or not, commits a class "D" felony.
 3 2. A person who solicits a patron for ~~a prostitute~~ another
 4 person's services as a partner in a sex act who is under the age
 5 of eighteen, or who knowingly takes or shares in the earnings
 6 of ~~a prostitute~~ another person who offers their services as a
 7 partner in a sex act who is under the age of eighteen, or who
 8 knowingly furnishes a room or other place to be used for the
 9 purposes of ~~prostitution of a prostitute~~ the purchase or offer
 10 to purchase another person's services as a partner in a sex act
 11 who is under the age of eighteen, whether for compensation or
 12 not, commits a class "C" felony.

13 3. It shall be an affirmative defense to a prosecution of
 14 a person under the age of twenty-one for a violation of this
 15 section that the person was allowed, permitted, or encouraged
 16 by an adult having influence or control of the person to engage
 17 in acts prohibited pursuant to section 725.1, ~~subsection 1,~~
 18 while the person was under the age of eighteen.

19 Sec. 8. Section 725.3, Code 2021, is amended to read as
 20 follows:

21 **725.3 Pandering.**

22 1. A person who persuades, arranges, coerces, or otherwise
 23 causes another, not a minor, to become a ~~prostitute~~ person who
 24 offers their services to another person as a partner in a sex
 25 act or to return to the practice of ~~prostitution~~ offering their
 26 services to another person as a partner in a sex act after
 27 having abandoned it, or keeps or maintains any premises for
 28 the purposes of ~~prostitution~~ the purchase or offer to purchase
 29 another person's services as a partner in a sex act or takes a
 30 share in the income from such premises knowing the character
 31 and content of such income, commits a class "D" felony.

32 2. A person who persuades, arranges, coerces, or otherwise
 33 causes a minor to become a ~~prostitute~~ person who offers
 34 their services to another person as a partner in a sex act
 35 or to return to the practice of ~~prostitution~~ offering their

1 services to another person as a partner in a sex act after
 2 having abandoned it, or keeps or maintains any premises for
 3 the purpose of ~~prostitution~~ the purchase or offer to purchase
 4 another person's services as a partner in a sex act involving
 5 minors or knowingly shares in the income from such premises
 6 knowing the character and content of such income, commits a
 7 class "C" felony.

8 Sec. 9. Section 725.4, Code 2021, is amended to read as
 9 follows:

10 **725.4 Leasing premises for ~~prostitution~~ purchase of another**
 11 **person's services as a partner in a sex act.**

12 A person who has rented or let any building, structure or
 13 part thereof, boat, trailer or other place offering shelter
 14 or seclusion, and who knows, or has reason to know, that the
 15 lessee or tenant is using such for the purposes of ~~prostitution~~
 16 the purchase or offer to purchase another person's services
 17 as a partner in a sex act, and who does not, immediately upon
 18 acquiring such knowledge, terminate the tenancy or effectively
 19 put an end to such practice of ~~prostitution~~ the purchase or
 20 offer to purchase another person's services as a partner in a
 21 sex act in such place, commits a serious misdemeanor.

22 Sec. 10. Section 911.2A, subsection 1, Code 2021, is amended
 23 to read as follows:

24 1. In addition to any other surcharge, the court shall
 25 assess a human trafficking victim surcharge of one thousand
 26 dollars if an adjudication of guilt or a deferred judgment
 27 has been entered for a criminal violation of section 725.1,
 28 ~~subsection 2, or section 710A.2, 725.1, 725.2, or 725.3.~~

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
 31 the explanation's substance by the members of the general assembly.

32 This bill relates to the crime of prostitution, and makes
 33 penalties applicable.

34 Current law provides that a person who sells or offers for
 35 sale the person's services as a partner in a sex act commits

1 the crime of prostitution under Code section 725.1(1), an
2 aggravated misdemeanor for an adult and a delinquent act for a
3 person under the age of 18. If the person who sells or offers
4 for sale the person's services as a partner in a sex act is
5 under the age of 18, the county attorney may elect, in lieu
6 of filing a petition alleging that the person has committed
7 a delinquent act, to refer that person to the department of
8 human services for the possible filing of a petition alleging
9 that the person is a child in need of assistance. The crime
10 of prostitution is also defined under Code section 725.1(2) as
11 a person who purchases or offers to purchase another person's
12 services as a partner in a sex act, an aggravated misdemeanor,
13 except that a person who purchases or offers to purchase
14 services as a partner in a sex act from a person who is under
15 the age of 18 commits a class "D" felony. A class "D" felony
16 is punishable by confinement for no more than five years
17 and a fine of at least \$1,025 but not more than \$10,245. An
18 aggravated misdemeanor is punishable by confinement for no more
19 than two years and a fine of at least \$855 but no more than
20 \$8,540.

21 The bill eliminates the crime of prostitution under Code
22 section 725.1(1) for a person who sells or offers for sale
23 the person's services as a partner in a sex act. The bill
24 maintains current language that provides that a person who
25 purchases or offers to purchase another person's services as
26 a partner in a sex act commits an aggravated misdemeanor,
27 except that if a person purchases or offers to purchase another
28 person's services as a partner in a sex act from another person
29 who is under the age of 18 the person commits a class "D"
30 felony, but renames this crime as "the purchase or offer to
31 purchase another person's services as a partner in a sex act".

32 Current law defines "commercial sexual activity" for
33 purposes of human trafficking in Code chapter 710A as any sex
34 act or sexually explicit performance for which anything of
35 value is given, promised to, or received by any person and

1 includes but is not limited to prostitution, participation in
2 the production of pornography, and performance in strip clubs.
3 The bill amends the definition to provide that "commercial
4 sexual activity" means any sex act or sexually explicit
5 performance for which anything of value is given, promised to,
6 or received by any person and includes but is not limited to
7 the purchase or offer to purchase another person's services
8 as a partner in a sex act, participation in the production of
9 pornography, and performance in strip clubs.

10 The bill makes conforming Code changes to remove the word
11 "prostitute" and replaces it with the phrase "person who offers
12 to purchase another person's services as a partner in a sex
13 act".

14 The bill makes additional conforming Code changes.